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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 RICHARD E. SIRGINSON,

10 Plaintiff,

11 v.

12 KERRY IVEY,

13 Defendant.

Case No. C04-1879L

ORDER REGARDING  
AMOUNT OF SANCTIONS


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15 On May 16, 2005, the Court issued an Order granting defendant's motion to compel and  
16 for sanctions based on plaintiff's failure to provide initial disclosures and his counsel's refusal to  
17 confer in good faith regarding the issue as required by the Local Rules. (Dkt. #20). The Court  
18 ordered defense counsel to file, within twenty days, a statement of the reasonable costs and fees  
19 incurred in attempting to contact plaintiff's counsel regarding the overdue disclosures and in  
20 filing the motion to compel.

21 In response, defense counsel timely filed his statement. See Supplemental Declaration of  
22 Aaron Rocke (Dkt. #21). Defense counsel notes that he spent 3.7 hours related to the overdue  
23 disclosures. However, the 3.7 hours includes 0.3 hours spent on April 6, 2005 drafting a letter  
24 to schedule a telephone conference regarding the initial disclosures. Because this task was  
25 completed before the initial disclosures were due, counsel would have performed that task even  
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1 absent plaintiff's dilatory conduct. Accordingly, the 0.3 hours shall not be included in the award  
2 of sanctions. Mr. Roche's hourly fee, as calculated according to the chargeback amount to the  
3 client, is \$125.96.<sup>1</sup> Therefore, the total amount of fees incurred in the above-listed tasks is  
4 \$428.26; counsel has not alleged that any costs were incurred. The Court finds that the total  
5 amount, and the underlying hourly rate, are reasonable.

6 Accordingly, the Court AWARDS defendant her reasonable attorney's fees in the amount  
7 of \$428.26, which plaintiff and his counsel shall pay to defendant within thirty days of the date  
8 of this Order.

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10 DATED this 26th day of May, 2005.

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13 Robert S. Lasnik  
14 United States District Judge  
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25 <sup>1</sup> Defense counsel notes that the average hourly rate is higher for an attorney in private  
26 practice, and his rate was higher when he was in private practice. The Court declines to increase  
27 the hourly fee amount based on these factors.